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TAGS: [ECON](#) [PGOV](#) [PREL](#) [BL](#)  
SUBJECT: MAS DISMANTLING OF CONSTITUTIONAL TRIBUNAL

REF: LA PAZ 1664

Classified By: Acting EcoPol Chief Brian Quigley  
for reasons 1.4 (b) and (d).

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Summary  
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¶1. (C) Two of five magistrates of Bolivia's Constitutional Tribunal resigned on October 26 declaring that government's "permanent aggression" against the court made it impossible to continue their "normal activities." The Tribunal's President Elizabeth Iniguez and it's deacon Martha Rojas each sent a letter of resignation to Vice President Alvaro Garcia Linera who also serves as the Congress' President. Congress is responsible for appointing judges and magistrates. With Iniguez and Rojas' resignation, the court has only three magistrates left, which is the minimum to form a quorum. However, with impeachment charges looming over the heads of the remaining three, the tribunal is effectively near death unless Congress acts to appoint new magistrates. Whether Congress acts or not, the ruling Movement Toward Socialism (MAS) now has ever greater influence over the tribunal. End Summary.

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A Blistering Critique  
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¶2. (U) Both magistrates offered blistering critiques of the government and members of the MAS party in their resignation letters. Iniguez wrote that she and her colleagues, despite being absolved of government-sponsored impeachment charges on October 18, continue to receive "attacks and threats of suspension which make it impossible to carry-out normal activities." Rojas in her resignation letter stated, "in the current political context it is impossible to administer constitutional justice with independence."

¶3. (U) Iniguez and Rojas, who are both women, also categorized the government's campaign against the magistrates as an attack on women. Referring to MAS deputy Gustavo

Torrico who recently stated the magistrates "lacked ethics," and were elected solely to meet "political quotas" and not on merit, Iniguez stated that the declarations against the court were "misogynistic" designed to denigrate a women's role in high-level positions. Rojas called the MAS' campaign not only an attack on her professionally, but an attack on her as a woman and as a mother.

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MAS Reactions  
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14. (U) As expected, the government and members of the MAS were pleased with the resignations. Presidential spokesperson Alex Contreras called the resignations a "good sign," arguing it will lead to a renewal of the tribunal. MAS deputy Gustavo Torrico stated the magistrates stepped down not due to any threats but because they face additional impeachment charges. He reiterated his accusation that the magistrates acted without "ethics or morals."

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Tribunal in Jeopardy  
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15. (U) The court fully staffed includes ten magistrates, five primary magistrates (called "titulares" in Spanish) and five alternates. With the October 26 resignations (effective November 16 for Iniguez and November 5 for Rojas) there remain three judges on the court and seven vacancies. (Note: There were already five vacancies prior to the October 26 resignations. End Note). According to MAS deputies in Congress, there are another 16 impeachment charges pending against the magistrates. Once the MAS-dominated lower house rules on an impeachment charge, the magistrates (included in the charge) are suspended (reftel). Without a quorum of three (non-suspended) magistrates the court cannot function. It is up to Congress (by a two-thirds majority) to appoint new magistrates.

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Comment  
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16. (C) The Constitutional Tribunal now faces at least four possible scenarios, each representing some form of victory for the MAS. The four scenarios are:

- i. The three remaining magistrates successfully defend themselves against impeachment charges in the lower house, but in the meantime can only minimally exercise their judicial functions (unlikely since the MAS appears to want to impeach the magistrates).
- ii. The lower house successfully approves impeachment charges against the three remaining magistrates thereby suspending them and effectively shuttering the tribunal (likely).
- iii. The MAS and opposition negotiate to appoint new magistrates splitting the new appointees based upon ideological loyalties similar to what occurred with the recent nomination of new supreme court justices (likely given that this option gives the opposition some control over the composition of the court).
- iv. Should Congress fail to appoint new magistrates before its December recess, President Morales will be able to exercise his constitutional authority to appoint interim magistrates (unlikely but possible if the opposition does not pursue scenario three).

In all four scenarios the MAS gains greater influence over the Constitutional Tribunal, thus reducing the tribunal's independence. End Comment.  
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